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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,162	12/18/2001	Katsumi Toyama	450100-03682	6455
20999	7590	06/14/2005	EXAMINER	
FROMMER LAWRENCE & HAUG			PAPE, ZACHARY	
745 FIFTH AVENUE- 10TH FL.			ART UNIT	
NEW YORK, NY 10151			PAPER NUMBER	

2835

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/024,162		TOYAMA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Zachary M. Pape		2835	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The following office action is in response to the applicant's correspondence dated 4/11/2005.

The examiner has removed the objection to the disclosure in regards to the use of the terminology, "chewing gum batteries", since the applicant has amended the specification accordingly.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grewe et al. (Des 374,236) in view of Jeong et al. (US 6,681,276).

With respect to claim 1, Grewe et al. teaches the use of a memory card drive comprising: a memory card drive body having a memory interface (Per the title, the device is a memory card reader and player and thus must inherently have a memory interface to transfer the information from the card); a plurality of memory card slots provided in said memory card drive body oriented in a planar array to accept a plurality of memory cards in the same loading orientation; and a plurality of memory cards, detachably accommodated in said memory card slots (As illustrated in Fig 1). Grewe et

al. fails to specifically teach that digital information is recorded through the memory interface.

Jeong et al. teaches the use of a memory card player unit which also records Column 7, Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the memory card player and recorder of Jeong et al. with the memory card reader and player of Grewe et al. to provide a means of recording information from an electronic device (e.g. computer) to the memory cards of Grewe et al. Providing a means of recording adds versatility to the reader and player of Grewe et al. Having the ability to record to the device as taught by Grewe et al. would further reduce time and money spent on other devices used for the sole purpose of recording information on the memory cards which is not provided by Grewe et al.

With respect to claim 2, Grewe et al. further teaches that the memory card slots are provided in a memory card tray (As illustrated in Fig 5) that is loaded into and unloaded from said memory card drive body. (As illustrated in Fig 1)

With respect to claim 1, Grewe et al. teaches the use of a portable memory card drive comprising: a portable memory card drive body having a memory interface (Per the title, the device is a memory card reader and player and thus must inherently have a memory interface to transfer the information from the card, additionally the device of Grewe et al. is portable in that it can be moved from one place to another); a plurality of memory card slots provided in said memory card drive body oriented in a planar array to accept a plurality of memory cards in the same loading orientation; and a plurality of memory cards, detachably accommodated in said memory card slots (As illustrated in

Fig 1). Grewe et al. fails to specifically teach that digital information is recorded through the memory interface.

Jeong et al. teaches the use of a memory card player unit which also records. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the memory card player and recorder of Jeong et al. with the memory card reader and player of Grewe et al. to provide a means of recording information from an electronic device (e.g. computer) to the memory cards of Grewe et al. Providing a means of recording adds versatility to the reader and player of Grewe et al. Having the ability to record to the device as taught by Grewe et al. would further reduce time and money spent on other devices used for the sole purpose of recording information on the memory cards which is not provided by Grewe et al.

With respect to claim 4, Grewe et al. fails to particularly teach that the portable memory card drive body includes a power supply, however the device of Grewe et al. must inherently have some type of power supply to supply power to the device so that the device may read and play the information on the memory cards.

With respect to claim 5, Grewe et al. further teaches that the memory card slots are provided in a memory card tray (As illustrated in Fig 5) that is loaded into and unloaded from said memory card drive body. (As illustrated in Fig 1)

With respect to claim 6, Jeong et al. further teaches an opening/closing cover (5) pivotally attached to a portable memory card drive body for movement between an open position (As illustrated in Jeong et al. Fig 3), in which the memory cards are exposed,

and a closed position (As illustrated in Jeong et al. Fig 4), in which said opening/closing cover covers the memory cards.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grewe et al. (Des 374,236) in view of Jeong et al. (US 6,681,276) and further in view of Wallace et al. (US 5,933,328). With respect to claim 7, Grewe et al. in view of Jeong et al. teach the claim limitations of 4 above, but fail to teach that the power supply is included in a portable memory card drive body.

Wallace et al. teaches the use of a memory card drive with at least one battery that is included in the portable memory card drive body (Column 5, Lines 30-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the battery of Wallace et al. with the memory card recorder, reader, and player of Jeong et al. and Grewe et al. to provide a means of operating the device when no power is available. In the event that no direct power was available, the user could still extract data from the memory cards.

With respect to claim 8, Wallace et al. further teaches that the memory card drive has a removable battery pack (Fig 3 element 13; Column 2, Lines 48-49).

With respect to claim 9, Wallace et al. further illustrates that a power supply (13) is at least one battery that is included in a portable holder (defined by the sidewalls of element of 13), detachably attached to the portable memory card drive body (Fig 3 illustrates the device with the battery attached, Figure 4 illustrates the device with the battery unattached).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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